In the United States District Court,
Northern District of Ohio,
Western Division

United States of America,   Case No. 3:20-CR-00151

        Plaintiff,   Judge James G. Carr

             v.   **Order**

Mario Nash,

        Defendant.

Pending is the Defendant's motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2). (Doc. 39). The government opposes the motion. (Doc. 43).

Amendment 821 authorizes resentencing of a previously sentenced defendant where: 1) at time of sentencing he received two "status points" in calculating his Criminal History Category; and 2) eliminating one of the status points would result in a lower Criminal History Category.

Section 1B1.10(b)(2)(A) of the Sentencing Commission's Guidelines provides: "Except as provided in subdivision (B) [related to substantial assistance], the court shall not reduce the defendant's term of imprisonment…to a term that is less than the minimum of the amended guideline range…Therefore, under Amendment 821, defendants who qualify for sentencing under the new Guideline Range must be sentenced within the resulting lower Guideline Range.

At the time of sentencing, the Defendant had 13 Criminal history Points, which placed him in Criminal History Category VI. (Doc. 27) (Presentence Investigation Report). Applying Amendment 821, the Defendant is eligible for a reduction of one status point. This reduces his Criminal History Category to a V, resulting in a revised Guideline Range of 84-105 months.

Despite the reduction in his Criminal History Category, the Defendant is not entitled to resentencing. This is so because the sentence that I originally imposed was 84 months, which is the lowest end of the revised Guideline Range.

It is, accordingly, hereby

ORDERED THAT:

1.	The Defendant's motion to reduce sentence (Doc. 39) be, and the same hereby, is denied; and

2.	I conclude that an appeal from this Order would have no merit; thus, payment of the requisite filing fee is required before the Defendant can maintain an appeal.

So ordered.

/s/ James G. Carr
Sr.. U.S. District Judge